

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY FINNERTY	)	
	)	Case No.: 2:23-CV-1133
Plaintiff,	)	
v.	)	Judge
	)	
UNITED STATES OF AMERICA	)	<b>Jury Trial Demanded</b>
	)	
Defendant,	)	

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**COMPLAINT IN CIVIL ACTION**

AND NOW comes the Plaintiff, TIMOTHY FINNERTY, by and through his attorneys, JOHN P. GOODRICH, ESQUIRE, LAUREN R. NICHOLS, ESQUIRE, and GOODRICH & ASSOCIATES, P.C., and files the within Complaint:

1. This action is based upon the Federal Tort Claims Act, 28 U.S.C. § 1346(b); the plaintiff resides in the above judicial district, and the act and omissions herein complained of occurred in said judicial district.

2. Plaintiff, TIMOTHY FINNERTY, is an adult individual residing at 2317 Forest Drive, Pittsburgh, Pennsylvania 15235.

3. Defendant, UNITED STATES OF AMERICA, at all relevant times was acting through the United States Postal Service (USPS), a branch of the federal government that provides postal service in the United States and its territories. The USPS is headquartered at 475 L'Enfant Plaza SW, Washington, D.C. 20260 and maintains a district office for Western Pennsylvania at 1001 California Avenue, Pittsburgh, PA 15290.

4. At all times relevant hereto, Defendant, UNITED STATES OF AMERICA, through the USPS, is engaged in the duty of providing postal service in the United States, including its insular areas and associated states. This includes postal delivery via USPS delivery vehicles.

5. At all times relevant hereto, Defendant, UNITED STATES OF AMERICA, acted through its agents, servants, and/or employees.

6. On or about July 17, 2020, Plaintiff was lawfully operating his vehicle through an intersection in the parking lot of PNC Bank in Penn Hills Township, Allegheny County, Pennsylvania, driving in a southbound direction.

7. At the same time, an employee of Defendant UNITED STATES OF AMERICA, Henry D. Ternent Jr., was operating a USPS vehicle, within the scope of his employment, through the same parking lot intersection in a westbound direction.

8. As Plaintiff continued through the intersection, the employee of Defendant, UNITED STATES OF AMERICA, suddenly and without warning, continued through the same intersection and struck the driver's side of Plaintiff's vehicle with the front end of his own vehicle after failing to yield to Plaintiff's vehicle on his right.

9. This incident was the direct and proximate result of the negligence of the employee of Defendant and not the result of any action or failure to act by Plaintiff.

10. As a direct and proximate result of this incident, Plaintiff, TIMOTHY FINNERTY, suffered the following injuries:

- a. Loss of consciousness;
- b. Concussion;
- c. Head pain;
- d. Neck pain;

- e. Left shoulder pain;
- f. Left thigh pain;

11. As a result of his injuries Plaintiff, TIMOTHY FINNERTY, sustained the following damages:

- a. He has suffered pain, inconvenience, embarrassment, and mental anguish;
- b. He has been and will be required to expend large sums of money for medical expenses;
- c. His health, strength, and vitality have been impaired; and
- d. He has been unable to enjoy the various pleasures of life that he previously enjoyed.

**COUNT I- NEGLIGENCE**  
**TIMOTHY FINNERTY v. UNITED STATES OF AMERICA**

12. All of the above paragraphs are incorporated herein by reference.

13. Plaintiff's injuries and damages were the direct and proximate result of the negligence of the employee of Defendant, UNITED STATES OF AMERICA., in the following respects:

- a. Employee of Defendant, operated the motor vehicle owned by Defendant at a high, dangerous and excessive rate of speed under the circumstances then and there existing;
- b. Employee of Defendant failed to yield to Plaintiff, who had right of way, through intersection;
- c. Employee of Defendant failed to stop or reduce speed to avoid a collision;
- d. Employee of Defendant failed to observe due care and precaution and to maintain proper and adequate control of the motor vehicle;
- e. Employee of Defendant failed to keep a proper lookout for other vehicles lawfully operating within the area; and

- f. Employee of Defendant failed to exercise reasonable care in the operation of the motor vehicle under the circumstances then and there existing.

14. Additionally, the collision was caused by the negligence of Defendant UNITED STATES OF AMERICA in the following particulars:

- a. In failing to exercise due care in the hiring, selection, and training of its employees; and
- b. In failing to properly supervise its employees.

WHEREFORE, Plaintiff TIMOTHY FINNERTY respectfully prays that the Court grant the relief set forth hereinafter in the Prayer for Relief.

**COUNT II – RESPONDEAT SUPERIOR**  
**TIMOTHY FINNERTY v. UNITED STATES OF AMERICA**

15. Each of the above paragraphs is incorporated herein by reference.

16. A master is liable for the torts of his servant if the servant's tortious conduct was within the scope of his employment.

17. Employee of Defendant, was acting within the course and scope of his employment with Defendant, UNITED STATES OF AMERICA, through the USPS at the time of the collision with Plaintiff's vehicle.

18. Defendant, UNITED STATES OF AMERICA, is liable for the tortious conduct of its employee as outlined above.

WHEREFORE, Plaintiff TIMOTHY FINNERTY respectfully prays that the Court grant the relief set forth hereinafter in the Prayer for Relief.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff TIMOTHY FINNERTY prays that this Court:

- (a) Enter a judgement declaring Defendant, UNITED STATES OF AMERICA, to be liable for the actions of their employee under the Federal Tort Claims Act, 28 U.S.C. § 1346(b).
- (b) Enter a judgment in his favor and against Defendant UNITED STATES OF AMERICA in excess of the applicable jurisdictional limits, plus interests and costs.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby respectfully demands trial by jury on all counts so triable.

DATED this the 21<sup>st</sup> day of June 2023.

*By: /s/ John P. Goodrich, Esquire*  
John Goodrich, (49648)  
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**VERIFICATION**

I, TIMOTHY E. FINNEGAN read the foregoing Complaint in civil action.

The statements of fact contained therein are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

Date: 06/21/2023

  
Client Name